

106TH CONGRESS
1ST SESSION

S. 1856

To amend title 28 of the United States Code to authorize Federal district courts to hear civil actions to recover damages or secure relief for certain injuries to persons and property under or resulting from the Nazi government of Germany.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 1999

Mr. SCHUMER (for himself and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 28 of the United States Code to authorize Federal district courts to hear civil actions to recover damages or secure relief for certain injuries to persons and property under or resulting from the Nazi government of Germany.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CIVIL ACTIONS IN FEDERAL COURTS FOR CER-**
2 **TAIN INJURIES TO PERSONS AND PROPERTY**
3 **UNDER OR RESULTING FROM THE NAZI GOV-**
4 **ERNMENT OF GERMANY.**

5 (a) AMENDMENT OF TITLE 28.—Chapter 85 of title
6 28, United States Code, is amended by inserting after sec-
7 tion 1350 the following new section:

8 **“§ 1350A. Actions for certain injuries to persons and**
9 **property under or resulting from the**
10 **Nazi government of Germany.**

11 “(a) JURISDICTION.—Notwithstanding any otherwise
12 applicable limitation period for commencing an action, the
13 district courts shall have original jurisdiction over and au-
14 thority to grant relief in any civil action commenced by
15 any person, or the heirs of such person, on or before Janu-
16 ary 1, 2010, arising under customary international law,
17 any international agreement to which the United States
18 is a party, or, to the fullest extent permitted by Article
19 III, section 2 of the United States Constitution, the laws
20 of any nation, to recover damages or secure any other ap-
21 propriate relief for an injury or injuries resulting from
22 such person’s having been—

23 “(1) forced to perform involuntary labor at any
24 time between January 1, 1939 and December 31,
25 1945, for, or on behalf of, any entity transacting

1 business in Germany, or in any territory occupied or
2 controlled by the Nazi regime or its allies;

3 “(2) subjected to involuntary medical treatment
4 or experimentation at any time between January 1,
5 1939 and December 31, 1945, for, or on behalf of,
6 any entity transacting business in Germany, or in
7 any territory occupied or controlled by the Nazi re-
8 gime or its allies;

9 “(3) deprived of property located in Germany,
10 or in any territory occupied or controlled by the
11 Nazi regime or its allies, at any time between Janu-
12 ary 1, 1933 and December 31, 1945, pursuant to
13 programs designed to transfer ownership of such
14 property to persons of Aryan racial stock; and

15 “(4) denied payment in connection with any in-
16 surance policy owned by or covering any person re-
17 siding in Germany, or in any territory occupied or
18 controlled by the Nazi regime or its allies, who suf-
19 fered an injury or loss caused by the Nazi regime or
20 its allies between January 1, 1933 and December
21 31, 1945.

22 “(b) ADJUDICATION OF MERITS OF CLAIMS.—Not-
23 withstanding any judicial doctrine imposing prudential
24 limitations on the exercise of judicial authority, a district
25 court shall, to the fullest extent of its power, adjudicate

1 the merits of any action over which the court has jurisdic-
 2 tion under subsection (a).

3 “(c) AMENABILITY OF DEFENDANTS TO SUITS.—
 4 Any defendant in any action brought under subsection (a)
 5 shall be amenable to suit to the fullest extent permitted
 6 by the Constitution of the United States.

7 “(d) EFFECTIVE DATE.—The provisions of this sec-
 8 tion shall apply to all actions pending or filed in the dis-
 9 trict courts or in the appellate courts on or after Sep-
 10 tember 1, 1999.”.

11 (b) CONFORMING AMENDMENT.—The table of sec-
 12 tions for chapter 85 of title 28, United States Code, is
 13 amended by inserting after the item relating to section
 14 1350 the following new item:

“1350A. Actions for certain injuries to persons and property under the Nazi
 government of Germany.”.

